



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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MEMORANDUM

TO: Chairwoman Conway
Members of Senate Education, Health, and Environmental Affairs Committee

FROM: Lisa Nissley

SUBJ: SB 917 Agriculture – Fertilizers and Pesticides – Release Reporting

DATE: March 24, 2009

SB 917 requires that releases of fertilizers and pesticides be reported to the Maryland Department of Agriculture (MDA), which will serve as a repository for these data. The Maryland Department of the Environment (MDE) has focused on §14-204(C), which directly affects the Department. That section requires MDA to coordinate data management elements with MDE's Community-Right-To-Know (CRTK) program and allows MDA to "share systems and resources with other State Departments to optimize the management and sharing of its data repositories."

MDE recognizes that it would be helpful to have a comprehensive data base of fertilizer and pesticide releases, and agrees with the concept of the bill, but there are significant fiscal and technical challenges to the bill, as written, that MDE must oppose the bill at this time.

Costs would not be offset by using the CRTK database because the system is not set up for these types of data and would have to be so significantly revised as to effectively require a new system. In addition, the current license is inadequate to accommodate the additional (estimated 5,000 to 10,000) users this legislation would require. Controls would need to be installed to assure that neither the purposes nor the data relevant to the legal requirements for CRTK would be compromised by the fertilizer or pesticide data (e.g., a fertilizer entry gets counted or reported as a hazardous substance).

Our experience with the approximately 1000 users of the CRTK system requires approximately one half an FTE to respond to user questions and provide assistance. This bill would result in 5 times more users and create a major issue for user support.

Finally, as currently written the bill could require that minimal applications (e.g., backyard gardening) would need to report; this could expand the amount of data and number of users significantly. Also, major lawn care companies might need to either aggregate all of their customers in a given watershed and sum the



amount applied, or report exact addresses (“locations where fertilizer is released”). The former could create difficulties for specifying location and the latter would contravene the requirement that releases not be associated with individuals.

Cc: Heather Barthel, MDE
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